

Dear Chairman Martin and fellow Commissioners:

In an attempt to redirect your attention to a very serious matter requiring the immediate action of the Commission, I'm providing all of you with a copy of a commentary on the subject authored on May 4th, 2007 by Donny Jackson of MRT Magazine for your perusal.

This entire debacle MUST come to an end and it must be soon.

After more than 6 years of continuing interference and a whole bunch of apparently ineffective rhetoric by the Commission, the 800 MHz score is Sprint/Nextel 1, Public Safety and B/ILT licensees 0; a very poor score indeed, in my humble opinion.

I respectfully demand that the Commission immediately take whatever action is necessary to effectively and responsibly move its 800 MHz rebanding mandate forward from its current state.

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Rebanding ball is in FCC's court -- and people are watching  
By Donny Jackson

It seems hard to believe that we're just two months short of the three-year anniversary of the FCC's controversial order that called for Nextel Communications -- now Sprint Nextel -- to pay for rebanding the 800 MHz frequencies to

alleviate interference with public-safety communications systems.

Perhaps more unbelievable is the fact that not a single public-safety licensee has been rebanded during this time; in fact, none are even scheduled to move to their new frequencies, even though the two-year mark of what was supposed to be a three-year project is just eight weeks away. And no scheduling will begin until the FCC acts on a joint letter from public safety and Sprint Nextel asking that the Transition Administrator be authorized to establish a revised timetable, which likely will extend rebanding at least two additional years.

Historically, the FCC has not acted quickly on rebanding items.

Appeals to the commission have taken months, and the FCC still has not determined whether Sprint Nextel fulfilled its rebanding obligations as of the 18-month benchmark, which passed more than four months ago.

And those outside the typical rebanding circle are watching. AT&T Mobility -- formerly Cingular Wireless -- recently filed a letter with the FCC stating that it is "indisputable that Sprint Nextel failed to comply" with the 18-month obligations in the order. The letter also expressed concern with the lack of progress in rebanding and the lack of focus on the unresolved problem.

"Interference in the public-safety band seems to be lost in the discussion," said Brian Fontes, AT&T Mobility's vice president of federal relations. "What seems to be the discussion now is, 'Can we get a delay? Can we get this? Can we get that?' There's no discussion anymore on the urgency to eliminate interference."

Now, skeptics will argue that you have to consider the source -- a competitor in the cutthroat wireless industry that probably would like nothing better than to see the FCC hit Sprint Nextel with some severe sanctions that could give AT&T Mobility a business advantage. In addition, AT&T Mobility and other wireless carriers opposed the rebanding order, stating that the 1.9 GHz spectrum that the FCC used as a carrot to get Nextel to accept the deal should have been auctioned to the highest bidder.

Sprint Nextel, which coincidentally asked the FCC to revisit cost and negotiation guidelines in the order on the same day that AT&T Mobility filed its letter, declined to comment on the AT&T Mobility filing. However, a company spokesman told MRT it is "curious that [AT&T Mobility] has spent years dismissing the concerns of public safety on interference ... and now

they suddenly have an interest in interference as a public-safety issue."

Regardless of AT&T Mobility's motives, it's difficult to argue against its assessment that the urgency to alleviate interference to public-safety systems that was evident three years ago has been lost in a lawyer-heavy process that has not resulted in any public-safety rebanding to date. In 2004, many questioned whether we could wait even three years to address the problem without having interference result in the death of a first-responder or a citizen. Today, an extension of two years or more is discussed in a matter-of-fact manner that belies the urgent need cited in the FCC's 2004 order.

There's plenty of blame to go around among all the players involved. But rather than pointing fingers, action needs to be taken by all involved parties to get this massive project on track (1) to resolve the interference and (2) so elected officials don't cite the rebanding experience as a reason to slam the door on other opportunities critical to public safety.

After all, at its core, rebanding is a public-private partnership that is supposed to meet a perceived need of public safety (in this case, alleviating interference) through a negotiated agreement between a commercial entity and a public-safety licensee -- the same formula touted as the way to provide a nationwide broadband network for public safety in the 700 MHz band.

Such negotiations in the rebanding process have been an abject failure, as few deals have occurred without mandatory mediation. For a commercial wireless carrier, 1.2% is an acceptable dropped-call rate; as a rate of completed deals -- as in NPSPAC Wave 3 -- 1.2% is a pathetic figure. It also should be a red flag to federal officials that negotiated deals between the vastly different public and private cultures are much easier said than done.

Thus, for Chairman Kevin Martin and the rest of the FCC, the next move is critical, and not just because of its impact on rebanding. Some FCC commissioners have said the agency should be actively involved if a public-private model is adopted for a nationwide broadband network.

If the FCC is too tough on Sprint Nextel in enforcing the rebanding agreement when the company claims that the delays have been beyond its control, would any commercial operator want to enter into a public-private partnership with public safety on a nationwide broadband network? On the other hand, if the FCC grants Sprint

Nextel's requests for an effective extension without any penalty, public-safety entities justifiably would view any buildout requirements associated with such a network with skepticism.

Martin and his fellow commissioners have to walk a tightrope to satisfy everyone on this front, and they need to choose their direction sooner rather than later. Because, while there are many rebanding items in dispute, no one is arguing that interference in the 800 MHz band has been alleviated to date.

And that's what this was supposed to be about, right?

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